

## **REMARKS/ARGUMENTS**

The Applicants hereby thank the Examiner for the observations in the outstanding non-final Office Action. Claims 1, 8, and 13 are herein amended to better encompass the full scope and breadth of the present invention, notwithstanding the Applicants' belief that the Claims would have been allowable as originally filed as well as herein amended. The Applicants respectfully assert that no claim has been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). Therefore, reconsideration of the present application in light of the foregoing proposed amendment and these remarks is respectfully requested. However, should any remaining issues be outstanding, the Examiner is respectfully requested to telephone the undersigned at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

### **I. Rejection of Claims 8-12 under 35 U.S.C. § 112, first paragraph**

Claims 8-12 stand rejected, under 35 U.S.C. § 112, first paragraph, as containing subject matter that fails to comply with the enablement. The Examiner asserts that the recitation of "an interactive programming guide" "does not make clear the characteristics of this guide[.]" The Applicants respectfully traverse this ground for rejection on this basis.

Independent Claim 8 is herein amended to positively recite the structural characteristics of the interactive programming guide as follows:

8. An interactive multi-source programming guide apparatus, comprising:
  - a data processing unit comprising at least one element selected from a group consisting essentially of a fixed-purpose dedicated platform, a partially-programmable platform, a cable, and a satellite set-top box;
  - a plurality of characterizing descriptors, each of which individually correspond to a plurality of discrete selectable items of audio/video content, wherein a first plurality of the discrete selectable items of audio/video content differ from a second plurality of the discrete selectable items of audio/video content with respect to a primary transmission service provider and at least one selection criterion;
  - a plurality of cascading filters for facilitating determination of a particular one of the discrete selectable audio/visual programs, the plurality of cascading filters being customizable for at least one user, wherein the plurality of cascading filters simultaneously considers content across the first plurality of the discrete selectable items of audio/video content and the second plurality of the discrete selectable items of audio/video content; and

a control circuitry adapted to:  
    apply the at least one selection criterion with respect to the characterizing descriptors of the first plurality of the discrete selectable items of audio/video content and the second plurality of discrete selectable items of audio/video content to provide a resultant selection of first the plurality of discrete selectable items of audio/video content and the second plurality of discrete selectable items of audio/video content;  
    display programming guide information comprising information regarding at least a portion of the resultant selection; and  
    a support programming guide navigation,  
    *wherein the data processing unit utilizes the plurality of characterizing descriptors, the plurality of cascading filters, the control circuitry, and the support programming guide navigation.* [emphasis added]

Consequently, Claims 9-12 now subsume the limitations of herein amended Claim 8 by dependency thereto.

Thus, Claims 8-12 are believed to overcome these grounds for rejection. Therefore, the Applicants respectfully request that the grounds for rejection of the claims on this basis are withdrawn and that Claims 8-12 are passed to allowance in due course.

## **II. Rejection of Claims 1-20 under 35 U.S.C. § 103(a)**

Claims 1-20 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Sie et al. (US 2003/0233656), in view of Fries et al. (US 2004/0078807). The Examiner concedes that "Sie does not disclose wherein the first plurality of the discrete selectable items of audio/video content differ from the second plurality of the discrete selectable items of audio/video content with respect to a primary transmission service provider." The Applicants respectfully traverse these grounds for rejection on this basis. Independent Claims 1, 8, and 13 are herein amended to include a recitation of "a plurality of cascading filters."

With respect to the primary cited reference, Sie merely discloses: "... a method for generating a personalized menu promoting other video programs available from a video content delivery system is disclosed. *The video content delivery system provides a plurality of channels of video content simultaneously.* In one step, it is determined that a triggering event has occurred with a video content delivery conduit. First information about one or more users is gathered. The one or more users are associated with an account with the video content delivery system.

Alternative video programs are determined and personalized for the one or more users based, at least in part, upon the first information. The context for the triggering event is analyzed to produce second information. A configuration of the personalized menu is determined based, at least in part, upon the second information. The personalized menu is formulated for presentation to the one or more users. The personalized menu comprises links to the alternative video programs[.]” (Abstract)

With respect to the secondary cited reference, Fries merely discloses: “... electronic program guides and multimedia presentation devices. One implementation, described herein, provides *a unified access to multiple electronic program guides (EPGs) from multiple programming and guide data sources* (e.g., local broadcast, satellite broadcast, DVR, VoD, etc.). With this implementation, multiple EPGs from a variety of sources are presented in a single common user interface (UI). Therefore, the television viewer may search/browse the EPG of all sources concurrently. The scope of the exemplary e-commerce facilitation is pointed out in the appending claims.” (Abstract)

In contrast to Sie, even in view of Fries, the present invention comprises “a plurality of *cascading filters* for facilitating determination of a particular one of the discrete selectable audio/visual programs, *the plurality of cascading filters being customizable for at least one user*, wherein the plurality of *cascading filters simultaneously considers content across the first plurality of the discrete selectable items of audio/video content and the second plurality of the discrete selectable items of audio/video content*[.]” As such, the present invention does not merely provide a plurality of channels of video content simultaneously or access to multiple programming and guide data source, *but simultaneously considers content using the plurality of cascading filters*.

Accordingly, the Applicants respectfully submit that Sie, even in view of Fries, does not teach, suggest, motivate, or otherwise obviate, in any other manner, the combination of elements and limitations, *inter alia*, in herein amended independent Claims 1, 18, and 13, respectively reciting:

1. A method of selecting content by way of a multi-source interactive programming guide apparatus, comprising the steps of:
  - providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/video content, wherein a first plurality of the discrete selectable items of audio/video content differ from a second plurality of the discrete selectable items of audio/video content with respect to a primary transmission service provider;
  - providing a plurality of cascading filters for facilitating determination of a particular one of the discrete selectable audio/visual programs, the plurality of cascading filters being customizable for at least one user, wherein the plurality of cascading filters simultaneously considers content across the first plurality of the discrete selectable items of audio/video content and the second plurality of the discrete selectable items of audio/video content;*
  - providing at least one selection criterion;
  - applying the at least one selection criterion with respect to the characterizing descriptors of the first plurality of the discrete selectable items of audio/video content and the second plurality of the discrete selectable items of audio/video content to provide a resultant selection of the first plurality of discrete selectable items of audio/video content and the second plurality of the discrete selectable items of audio/video content;
  - displaying programming guide information comprising information regarding at least a portion of the resultant selection;
  - supporting a programming guide navigation;
  - reviewing and browsing the information regarding the at least one portion of the resultant selection;
  - if selecting a particular item of the plurality of discrete selectable items, providing a selection response; and
  - if not selecting a particular item of the plurality of discrete selectable items, returning to the supporting step. [Emphasis added.]
8. An interactive multi-source programming guide apparatus, comprising:
  - a data processing unit comprising at least one element selected from a group consisting essentially of a fixed-purpose dedicated platform, a partially-programmable platform, a cable, and a satellite set-top box;
  - a plurality of characterizing descriptors, each of which individually correspond to a plurality of discrete selectable items of audio/video content, wherein a first plurality of the discrete selectable items of audio/video content differ from a second plurality of the discrete selectable items of audio/video content with respect to a primary transmission service provider and at least one selection criterion;
  - a plurality of cascading filters for facilitating determination of a particular one of the discrete selectable audio/visual programs, the plurality of cascading filters being customizable for at least one user, wherein the plurality of cascading filters simultaneously considers content across the first plurality of the discrete selectable items of audio/video content and the second plurality of the discrete selectable items of audio/video content; and*
  - a control circuitry adapted to:
    - apply the at least one selection criterion with respect to the characterizing descriptors of the first plurality of the discrete selectable items of audio/video content and the second plurality of discrete selectable items of audio/video content to provide a resultant selection of first the plurality of discrete selectable items of audio/video content and the second plurality of discrete selectable items of audio/video content;
    - display programming guide information comprising information regarding at least a portion of the resultant selection; and
    - a support programming guide navigation,
  - wherein the data processing unit utilizes the plurality of characterizing descriptors, the plurality of cascading filters, the control circuitry, and the support programming guide navigation. [Emphasis added.]

13. A method of providing an interactive multi-source programming guide apparatus, comprising the steps of:

- providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable audio/visual programs, wherein a first plurality of the discrete selectable audio/visual programs differ from a second plurality of the discrete selectable audio/visual programs with respect to a primary transmission service provider;

- providing a plurality of cascading filters for facilitating determination of a particular one of the discrete selectable audio/visual programs, the plurality of cascading filters being customizable for at least one user, wherein the plurality of cascading filters simultaneously considers content across the first plurality of the discrete selectable items of audio/video content and the second plurality of the discrete selectable items of audio/video content;*

- providing at least one selection criterion that corresponds to a given individual;

- applying the at least one selection criterion with respect to the characterizing descriptors of the first plurality of the discrete selectable audio/visual programs and the second plurality of the discrete selectable audio/visual programs to provide a resultant selection of the first plurality of the discrete selectable audio/visual programs and the second plurality of the discrete selectable audio/visual programs;

- displaying programming guide information comprising information regarding at least a portion of the resultant selection; and

- providing a support programming guide navigation. [Emphasis added.]

Consequently, Claims 2-7, 9-12, and 14-20 now respectively subsume the limitations of herein amended Claims 1, 8, and 13 dependency thereto.

Thus, the Applicants respectfully submit that Claims 1-20 have not been taught, suggested, motivated, or otherwise obviated, in any other manner, by the cited art. Therefore, the Applicants respectfully request that the grounds for rejection of Claims 1-20 on this basis are withdrawn and that Claims 1-20 are passed to allowance in due course.

### CONCLUSION

Accordingly, Claims 1, 8, and 13 have been herein amended to better encompass the full scope and breadth of the present invention, notwithstanding the Applicants' belief that the Claims would have been allowable as originally filed as well as herein amended. The Applicants respectfully reassert that no claim has been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). Therefore, reconsideration of the present application in light of the foregoing amendment after final rejection and these remarks is respectfully requested. ***The Examiner is further cordially invited to telephone the undersigned for any reason which would advance allowance of the pending claims.*** In the event that any additional fees become due or payable, the Examiner is authorized to charge USPTO Deposit Account No. 06-1135 accordingly.

Respectfully submitted,

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